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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JARDINE GOUGIS,
Plaintiff,
vs.

LEAD MARKETING LLC; MARA R.
SUCHY, AS TRUSTEE OF THE MIMI
TRUST; and DOES 1 to 10,
Defendants.

Case No.:

COMPLAINT FOR INJUNCTIVE
RELIEF AND DAMAGES FOR DENIAL
OF CIVIL RIGHTS OF A DISABLED
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES
ACT, 42 U.S.C. §12131 et seq.;
2. CALIFORNIA'S UNRUH CIVIL
RIGHTS ACT;
3. CALIFORNIA'S DISABLED
PERSONS ACT;
4. CALIFORNIA HEALTH & SAFETY
CODE;
5. NEGLIGENCE

Plaintiff JARDINE GOUGIS ("Plaintiff") complains of Defendants LEAD
MARKETING LLC; MARA R. SUCHY, AS TRUSTEE OF THE MIMI TRUST; and
DOES 1 to 10 ("Defendants") and alleges as follows:

PARTIES

1. Plaintiff is a California resident with a physical disability. Plaintiff is
diagnosed with osteoarthritis on both hips and is substantially limited in her ability to
walk. Plaintiff requires the use of a wheelchair at all times when traveling in public.

1 2. Defendants are, or were at the time of the incident, the real property owners,
2 business operators, lessors and/or lessees of the real property for a hair salon (“Business”)
3 located at or about 43 N. Altadena Dr., Pasadena, California.

4 3. The true names and capacities, whether individual, corporate, associate or
5 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,
6 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of
7 Court to amend this Complaint when the true names and capacities have been
8 ascertained. Plaintiff is informed and believes and, based thereon, alleges that each such
9 fictitiously named Defendants are responsible in some manner, and therefore, liable to
10 Plaintiff for the acts herein alleged.

11 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant
12 times, each of the Defendants was the agent, employee, or alter-ego of each of the other
13 Defendants, and/or was acting in concert with each of the other Defendants, and in doing
14 the things alleged herein was acting with the knowledge and consent of the other
15 Defendants and within the course and scope of such agency or employment relationship.

16 5. Whenever and wherever reference is made in this Complaint to any act or
17 failure to act by a defendant or Defendants, such allegations and references shall also be
18 deemed to mean the acts and failures to act of each Defendant acting individually, jointly
19 and severally.

20 **JURISDICTION AND VENUE**

21 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and
22 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*
23 *seq.*).

24 7. Pursuant to pendant jurisdiction, attendant and related causes of action,
25 arising from the same nucleus of operating facts, are also brought under California law,
26 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,
27 54, 54., 54.3 and 55.

28 8. Plaintiff’s claims are authorized by 28 USC §§ 2201 and 2202.

1 9. Venue is proper in this court pursuant to 28 USC §1391(b). The real
2 property which is the subject of this action is located in this district, Los Angeles County,
3 California, and that all actions complained of herein take place in this district.

4 **FACTUAL ALLEGATIONS**

5 10. In or about October of 2024, Plaintiff went to the Business.

6 11. The Business is a hair salon business establishment, open to the public, and
7 is a place of public accommodation that affects commerce through its operation.

8 12. While attempting to enter the Business during each visit, Plaintiff personally
9 encountered a number of barriers that interfered with her ability to use and enjoy the
10 goods, services, privileges, and accommodations offered at the Business.

11 13. To the extent of Plaintiff's personal knowledge, the barriers at the Business
12 included, but were not limited to, the following:

- 13 a. Defendants failed to maintain accessibility for persons with
14 disabilities to comply with the federal and state standards. Defendants
15 failed to provide at least one accessible entrance as required as the
16 entrance had a step instead of a proper ramp.

17 14. These barriers and conditions denied Plaintiff the full and equal access to the
18 Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and
19 patronize the Business; however, Plaintiff is deterred from visiting the Business because
20 her knowledge of these violations prevents her from returning until the barriers are
21 removed.

22 15. Based on the violations, Plaintiff alleges, on information and belief, that
23 there are additional barriers to accessibility at the Business after further site inspection.
24 Plaintiff seeks to have all barriers related to her disability remedied. *See Doran v. 7-*
25 *Eleven, Inc.* 524 F.3d 1034 (9th Cir. 2008).

26 16. In addition, Plaintiff alleges, on information and belief, that Defendants
27 knew that particular barriers render the Business inaccessible, violate state and federal
28 law, and interfere with access for the physically disabled.

1 nature of the good, service, facility, privilege, advantage, or
 2 accommodation being offered or would result in an undue burden. 42
 3 U.S.C. § 12182(b)(2)(A)(iii).

4 c. A failure to remove architectural barriers, and communication barriers
 5 that are structural in nature, in existing facilities, and transportation
 6 barriers in existing vehicles and rail passenger cars used by an
 7 establishment for transporting individuals (not including barriers that
 8 can only be removed through the retrofitting of vehicles or rail
 9 passenger cars by the installation of a hydraulic or other lift), where
 10 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

11 d. A failure to make alterations in such a manner that, to the maximum
 12 extent feasible, the altered portions of the facility are readily
 13 accessible to and usable by individuals with disabilities, including
 14 individuals who use wheelchairs or to ensure that, to the maximum
 15 extent feasible, the path of travel to the altered area and the
 16 bathrooms, telephones, and drinking fountains serving the altered
 17 area, are readily accessible to and usable by individuals with
 18 disabilities where such alterations to the path or travel or the
 19 bathrooms, telephones, and drinking fountains serving the altered area
 20 are not disproportionate to the overall alterations in terms of cost and
 21 scope. 42 U.S.C. § 12183(a)(2).

22 21. At least one accessible route shall connect accessible building, facilities,
 23 elements, and spaces that are on the same site. 1991 ADA Standards § 4.3.2. A public
 24 accommodation shall maintain in operable working condition those features of facilities
 25 and equipment that are required to be readily accessible to and usable by persons with
 26 disabilities by the Act or this part. 28 C.F.R. 35.211(a).

27 22. Here, Defendants failed to provide at least one accessible entrance to the
 28 Business as the entrance had a step instead of a proper ramp.

1 23. A public accommodation shall maintain in operable working condition those
2 features of facilities and equipment that are required to be readily accessible to and usable
3 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

4 24. By failing to maintain the facility to be readily accessible and usable by
5 Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related
6 regulations.

7 25. The Business has denied and continues to deny full and equal access to
8 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be
9 discriminated against due to the lack of accessible facilities, and therefore, seeks
10 injunctive relief to alter facilities to make such facilities readily accessible to and usable
11 by individuals with disabilities.

12 **SECOND CAUSE OF ACTION**

13 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

14 26. Plaintiff incorporates by reference each of the allegations in all prior
15 paragraphs in this complaint.

16 27. California Civil Code § 51 states, "All persons within the jurisdiction of this
17 state are free and equal, and no matter what their sex, race, color, religion, ancestry,
18 national origin, disability, medical condition, genetic information, marital status, sexual
19 orientation, citizenship, primary language, or immigration status are entitled to the full
20 and equal accommodations, advantages, facilities, privileges, or services in all business
21 establishments of every kind whatsoever."

22 28. California Civil Code § 52 states, "Whoever denies, aids or incites a denial,
23 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable
24 for each and every offense for the actual damages, and any amount that may be
25 determined by a jury, or a court sitting without a jury, up to a maximum of three times the
26 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any
27 attorney's fees that may be determined by the court in addition thereto, suffered by any
28 person denied the rights provided in Section 51, 51.5, or 51.6.

1 29. California Civil Code § 51(f) specifies, “a violation of the right of any
2 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)
3 shall also constitute a violation of this section.”

4 30. The actions and omissions of Defendants alleged herein constitute a denial
5 of full and equal accommodation, advantages, facilities, privileges, or services by
6 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.
7 Defendants have discriminated against Plaintiff in violation of California Civil Code §§
8 51 and 52.

9 31. The violations of the Unruh Civil Rights Act caused Plaintiff to experience
10 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory
11 damages as specified in California Civil Code §55.56(a)-(c).

12 **THIRD CAUSE OF ACTION**

13 **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

14 32. Plaintiff incorporates by reference each of the allegations in all prior
15 paragraphs in this complaint.

16 33. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be
17 entitled to full and equal access, as other members of the general public, to
18 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,
19 and physicians’ offices, and privileges of all common carriers, airplanes, motor vehicles,
20 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes
21 of transportation (whether private, public, franchised, licensed, contracted, or otherwise
22 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,
23 places of public accommodations, amusement, or resort, and other places in which the
24 general public is invited, subject only to the conditions and limitations established by
25 law, or state or federal regulation, and applicable alike to all persons.

26 34. California Civil Code § 54.3(a) states, “Any person or persons, firm or
27 corporation who denies or interferes with admittance to or enjoyment of public facilities
28 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an

individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for the actual damages, and any amount as may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damages but in no case less than one thousand dollars (\$1,000) and any attorney's fees that may be determined by the court in addition thereto, suffered by any person denied the rights provided in Section 54, 54.1, and 54.2.

35. California Civil Code § 54(d) specifies, "a violation of the right of an individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also constitute a violation of this section, and nothing in this section shall be construed to limit the access of any person in violation of that act.

36. The actions and omissions of Defendants alleged herein constitute a denial of full and equal accommodation, advantages, and facilities by physically disabled persons within the meaning of California Civil Code § 54. Defendants have discriminated against Plaintiff in violation of California Civil Code § 54.

37. The violations of the California Disabled Persons Act caused Plaintiff to experience difficulty, discomfort, and embarrassment. The Defendants are also liable for statutory damages as specified in California Civil Code §55.56(a)-(c).

FOURTH CAUSE OF ACTION

CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.

38. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

39. Plaintiff and other similar physically disabled persons who require the use of a wheelchair are unable to use public facilities on a "full and equal" basis unless each such facility is in compliance with the provisions of California Health & Safety Code § 19955 et seq. Plaintiff is a member of the public whose rights are protected by the provisions of California Health & Safety Code § 19955 et seq.

40. The purpose of California Health & Safety Code § 1995 et seq. is to ensure that public accommodations or facilities constructed in this state with private funds

1 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of
2 Title 1 of the Government Code. The code relating to such public accommodations also
3 require that “when sanitary facilities are made available for the public, clients, or
4 employees in these stations, centers, or buildings, they shall be made available for
5 persons with disabilities.

6 41. Title II of the ADA holds as a “general rule” that no individual shall be
7 discriminated against on the basis of disability in the full and equal enjoyment of goods
8 (or use), services, facilities, privileges, and accommodations offered by any person who
9 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).
10 Further, each and every violation of the ADA also constitutes a separate and distinct
11 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an
12 award of damages and injunctive relief pursuant to California law, including but not
13 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

14 **FIFTH CAUSE OF ACTION**

15 **NEGLIGENCE**

16 42. Plaintiff incorporates by reference each of the allegations in all prior
17 paragraphs in this complaint.

18 43. Defendants have a general duty and a duty under the ADA, Unruh Civil
19 Rights Act and California Disabled Persons Act to provide safe and accessible facilities
20 to the Plaintiff.

21 44. Defendants breached their duty of care by violating the provisions of ADA,
22 Unruh Civil Rights Act and California Disabled Persons Act.

23 45. As a direct and proximate result of Defendants’ negligent conduct, Plaintiff
24 has suffered damages.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff respectfully prays for relief and judgment against
27 Defendants as follows:
28

1 1. For preliminary and permanent injunction directing Defendants to comply
2 with the Americans with Disability Act and the Unruh Civil Rights Act;

3 2. Award of all appropriate damages, including but not limited to statutory
4 damages, general damages and treble damages in amounts, according to proof;

5 3. Award of all reasonable restitution for Defendants' unfair competition
6 practices;

7 4. Reasonable attorney's fees, litigation expenses, and costs of suit in this
8 action;

9 5. Prejudgment interest pursuant to California Civil Code § 3291; and

10 6. Such other and further relief as the Court deems just and proper.

11 **DEMAND FOR TRIAL BY JURY**

12 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby
13 demands a trial by jury on all issues so triable.

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16 Dated: January 28, 2025

SO. CAL. EQUAL ACCESS GROUP

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19 By: /s/ Jason J. Kim
20 Jason J. Kim, Esq.
21 Attorneys for Plaintiff
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